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## TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE THAT pursuant to Local Civil Rule 40.2 and in order to enable the Court to evaluate possible disqualification or recusal, the undersigned counsel of record for Plaintiffs The Revolution FMO LLC ("Revolution"), Mark Lindsey, and Ty. J. Young hereby represents and certifies as follows:

- Revolution's members are Mark Lindsey and Ty J. Young. Revolution 1. has no parent corporation, and no publicly held company owns any portion of Revolution; and
- 2. No persons or entities (other than those named as parties to this action) are currently known to have a direct, pecuniary interest in the outcome of this case.

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Dated: May 27, 2008

Respectfully submitted,

LATHAM & WATKINS LLP Daniel Scott Schecter Kenneth M. Fitzgerald Wendy P. Harper

By

Kenneth M. Fitzgerald

Attorneys for Plaintiffs

The Revolution FMO LLC, Mark Lindsey,

Ty J. Young

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